

CC Docket No. 02-6

Request for Review of Denied Letter of Appeal to the SLD

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Review of Denied Appeal: Appeal of Funding Commitment Decision Letter dated
June 23, 2003 **Denied January 16, 2004**
Funding Year 2003

Billed Entity Name: Jackson-Hinds Library System

Form 471 App. #: 364529

Billed Entity #: 128641

We are asking the FCC to review and approve this application because we believe errors occurred due to incorrect SLD documentation that was provided to applicants.

The above mentioned denial is dated January 16, 2004. We understand that, according to SLD's competitive bidding requirements, Jackson-Hinds Library System has violated the process; but we followed the October 18, 2002 printed Eligible Services List that indicated "cable modem service" under Telecommunications Services section, page 4.

How is it our fault that our application was filed incorrectly when we followed the SLD-provided, but incorrect, Eligible Services List of October 2002? The denial states "your appeal is denied because your cited Form 470 did not post for the Internet Access Services you have requested." Our Form 470 did not post for Internet Access because your documentation listed the required cable modem service as Telecommunications.

Ironically, we should note, that the October 10, 2003 Eligible Services List has been *changed* to reflect "cable modem service" under Internet Access. Apparently someone found the error.

Had our application been posted correctly, Time-Warner would have most likely made the only bid because they have signed non-exclusive contracts with the City of Jackson (effective 4/28/1998-2013), City of Raymond (effective August 1998-2012), the City of Clinton (effective June 2003-2013), and Hinds County (effective June 1997-2007).

We are asking the FCC to review this application because we feel it is in the best interest of our patrons for this application to be approved in full. The discounted billing would allow more funds to be used for our patrons' benefit.

Below is the complete text of the August 11, 2003 SLD appeal:

'This appeal is for the entire 471 application. The funding explanation reads as follows: "The 470 cited did not include service of this type; therefore it does not meet the 28 day competitive bidding requirement."

Jackson-Hinds Library System decided to start using Roadrunner for our Internet access. When it was time to file 470s (in fall of 2002), I used the **SLD Eligible Services List** to determine that cable modem service was an eligible item. Located under Telecommunications, page 4, it states: "Digital Transmission Services...Leased data circuits...Technologies employed may include, but are not limited to: ... Cable Modem service..." Roadrunner is a cable modem service so based on this information, a 470 was filed. The 470 indicated Telecommunications because of statement on Telecommunications page 4 where we found Cable Modem service. Cable Modem service was listed under 'service or function' on the 470.

Time Warner finally was able to provide a SPIN on Wednesday, January 23, 2003. I then searched the BEAR/SPIN search feature to verify information. At that time I noticed that there was no Y in the Elig. Telecomm. Prov. Column. I then asked if that had a bearing on our application.

I talked with Patricia at SLD (1-888-203-8100) on Wednesday, January 29, 2003. She told me that the lack of a Y in the column meant that Time Warner wasn't an eligible telecommunications provider, but they were an eligible Internet access provider. I then made the statement that I just mark Internet access on the 471, right? At that time I was told that the 470 and 471 wouldn't match up. But if I continued to mark telecommunications on the 471, the application would automatically be rejected because Time Warner isn't eligible for telecommunications. So then I asked again about just indicating Internet access on the 471. I was then told that the application would probably be rejected because the 470 and 471 didn't match up.

I talked with Ruth Pierce (our statewide liaison) at First Regional Library concerning this in January as well. She advised that we file the 471 as Internet Access, write documentation of the phone call with Patricia at SLD and plan to appeal if the 471 application was denied.

It is my understanding that the 470 acts as a "wish list" for services. We used the SLD Eligible Services List to determine that our "wish" was eligible (Telecommunications, page 4, see above). It is not our fault that the documentation is misleading. Once we found the service we were looking for, we didn't continue reading the eligible services list. Why is "cable modem service" listed under Telecommunications Services if that's not what it is?

We did file in time for the required 28-day bidding requirement. There would not have been any competitive bidding process on this application had Internet Access been correctly indicated. Time Warner Cable, Inc. has a contract within Hinds County and therefore is sole provider for cable service for our library system.

We feel that due to the misleading documentation provided us that this 471 application should be funded.”

Authorized person: Carolyn McCallum

Title: Executive Director

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